

Notice of Allowability

Application No.

09/224,409

Examiner

Ngoc K. Vu

Applicant(s)

FENWICK JR. ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/9/05.
2. ☒ The allowed claim(s) is/are 11,12,14,15,18,19,26,29,30 and 36-45.
3. ☒ The drawings filed on 31 December 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/9/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert L. Maier on July 18, 2005.

The application has been amended as follows:

In the claims:

Claims 1-10, 13, 16, 17, 20-25, 27, 28 and 31-35 are cancelled.

In claim **11**, last line, "may be customized" has been changed to --is customized--.

In claim **14**, last line, "may be customized" has been changed to --is customized--.

In claim **18**, lines 6-7, ", said menu generated for display by a web browser;" has been deleted.

In claim **18**, line 11, after "the program material;"

--creating a set of user data, said set of user data listing stated user preferences;-- has been inserted.

In claim **18**, last line, "time." has been changed to --time;

wherein said menu listing available program material is generated for display in a web browser and is customized based on said user preferences.--

In claim **26**, line 15, "may be generated" has been changed to --is generated--.

In claim **26**, last line, "HTML code." has been changed to --HTML code, and wherein said menu is customized based on user preferences.--.

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In claim 29, last line, "user preferences." has been changed to –user preferences, and wherein said menu is customized based on said user preferences.--.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art, Stoel (US 5,905,492) teaches an audio/video distribution system providing video on demand programming and interactive services to subscribers (e.g. an apartment). Through an interactive session with on-screen menus, a subscriber selects a video on demand program (such as a movie, video game, interactive service or premium pay per view programming). The system headend allows access by the subscriber to interactive menus and to the program or service selected by instructing the interdiction field unit to unjam (or "deinterdict") the channel carrying the menus, programming and interactive services to the subscriber. Stoel fails to anticipated or render the following limitations obvious: "...selecting one of a plurality of Assignable Computing Devices, said selected Assignable Computing Device being used to generate a menu listing available program material"; "wherein said menu listing available program material is generated for display in a web browser and is customized based on the user preferences" as recited in claims 11, 14 and 18; "said Site Management Subsystem can assign at least one Assignable Computing Device...said menu including at least HTML code, and wherein said menu is customized based on user preferences" as recited in claims 26 and 29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

July 18, 2005